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# **BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING**

**June 12, 2006**

**Francis Faulkner Hearing Room  
Acton Town Hall  
7:00 P.M.**

Present: Andrew Magee, Lauren Rosenzweig, Peter Ashton, Dore' Hunter. Chairman Foster was absent. The Town Manager and Assistant were present. The meeting was televised.

## **CITIZENS' CONCERNS**

Steve Roskin, 1 Flagg Road asked about the perchlorate in the water and asked what is going on. Andy said that we are still researching the issue and we are doing all we can to give the Board all the information we can get in order to educate the Board. Andy asked the Neighbors to check back for possible placement on the next agenda.

Linda Chapin – She has had to get town water and it is a financial issue. She was the house with five times the legal amount.

Andy suggested that they check the DEP web page and suggested that they may get more information about this issue.

Nancy Tighe, Flagg Road, she has had to incur the cost of testing and cannot hook up to town water.

Andy asked who we could contact in the neighborhood about their concerns; Carol Holley said she is the person coordinating the neighborhood.

## **SEWER COMMISSIONERS' BUSINESS**

**FY07 SEWER O&M RATES** – John will be presenting in lieu of Steve Barret. John said that we have covered the costs for the Plant. The rate will increase \$2.48, or 3 % for residents. Peter asked about the increase to commercial users.

Peter asked about the single family flow as it had gone down. John said that the Water District numbers for usage is less because of conservation and the repair of leaks in the user's homes. PETER ASHTON – Moved to approve rates as included in the memo. DORE' HUNTER – second. UNANIMOUS VOTE.

## **PUBLIC HEARINGS & APPOINTMENTS**

**OPERATIONAL MINUTE** – The Town Manager gave a brief update on various topics.

**BOSTON EDISON/VERIZON, POWDER MILL ROAD/OLD HIGH STREET, JOINT POLE AND ANCHOR GUY GRANT OF LOCATION** – DORE' HUNTER - Moved to approve with stipulations in the authority we have to grant, and note that one of the guys are on private property and one is under water. PETER ASHTON – Second. UNANIMOUS VOTE,

**CABLE ADVISORY COMMITTEE** – Frits Riep spoke about an expedited process of for the Cable Television License Process. The Cable Committee believes they would be grandfathered in the event that the legislation is passed. The Cable Committee had comments on the Draft Issuing Authority Report. The Committee asked for a timetable to have the Board review this document and asked to have the Board of Selectmen schedule this for their next earliest time on their Agenda. The Cable Advisory Committee would like to have this process expedited. The Committee would like to move forward and will be giving this report to the rest of their committee for their discussion. They hopefully will get the comments in to the Manager for the Board's package for next week. Andy asked if the public hearing would be scheduled for the July 17, 2006 Selectmen's Meeting. John Covert said that we will notify Verizon of our review and Verizon will have time to make changes and resubmit to Acton. Peter was still unclear about the process. John Covert said that this is the time to ask questions and make changes in the licensing process with Verizon. DORE' HUNTER - Moved to have the Chairman review the amended license process on behalf of the Board, the committee was asked to include Ms. Rosenzweig's edits. PETER ASHTON – second. UNANIMOUS VOTE.

Andy asked that the changes suggested be made, and that the Board of Selectmen revote it. It was noted that the Hearing could be scheduled on the August 14, 2006 Selectmen's Meeting. Staff was asked to schedule 90 minutes at the August meeting.

## **SELECTMEN'S BUSINESS**

**TJ O'GRADY MEMORIAL SKATEBOARD PARK (Continued from May 22 meeting)** – Sign Request –It was suggested that In lieu of signs they consider putting granite benches at that location. Peter said this is a better solution. It is reasonable to recognize those who have contributed. Dore' asked that someone familiar with the park designate where the benches are to be placed for safety reasons. DORE' HUNTER – Moved to approve with detailed documentation, and that it approval be limited to five benches at this time. PETER ASHTON – second. UNANIMOUS VOTE.

**REVOLVING FUNDS REAUTHORIZATION, MINUTEMAN REGIONAL HIGH SCHOOL -** DORE' HUNTER – Moved to approve the revolving fund reauthorization. PETER ASHTON second, UNANIMOUS VOTE. The Board wants to have representatives from Minuteman come in and meet the Board and to discuss their capital plans. Don will send an invitation to them to come in and discuss this in the early Fall during the Selectmen's Meeting of September 11<sup>th</sup> if they are available to meet with the Board.

**SNOW AND ICE REMOVAL PROGRAM UPDATE** – Don updated the Board on the new Snow and Ice Program. Highway had a trial run this winter and the Board had authorized funds for this trial. Don noted that we don't have sand on our streets, and it paid for itself in the first year. It is a program that really works.

**ACTON NEIGHBORHOOD NETWORK (ANN) (Continued from May 22 meeting)** – Dore' updated the Board about the present and future plans. He wanted to be able to use CTY Connect to advise people of situations in town. Currently they have eight telephone chains to

have people look at their computers to receive the information. He sees ANN merging more into the community. He asked whether we just admit and that it is part of the town. Don gave an overview of the different issues that he has looked into. Dore' noted that the Ham's in Town can communicate at the public safety facility. Peter suggested we have a public education outreach at the next State of the Town. Allen Nitschelm asked about Dore's comment on accidents and asked if he had a protocol for the emergency notifications.

**BOARD OF SELECTMEN COMMITTEE ASSIGNMENTS AND GOALS DISCUSSION** – Andy asked that they look at it carefully and the Chairman will discuss at the next meeting.

**ACTON COMMUNITY HOUSING CORPORATION (ACHC), DESIGNATION AS MONITORING AGENT, ELLSWORTH VILLAGE** – DORE' HUNTER – Moved to approve. PETER ASHTON – second. UNANIMOUS VOTE

**ACTON COMMUNITY HOUSING CORPORATION (ACHC), ANNUAL CERTIFICATION OF SUBSIDIZED HOUSING INVENTORY, FIRST TIME HOME BUYER'S PROGRAM** – PETER ASHTON – Moved to approve. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

**LOWELL REGIONAL TRANSIT AUTHORITY** – Appointment of Antonio Santro as the Acton's Representative at LRTA. DORE HUNTER – Moved to approve. PETER ASHTON – second. UNANIMOUS VOTE

**DRAFT "E-MAIL USE POLICY"** – John Murray gave an overview of the process. Andy felt that we should send this out to Boards and Committees to review this proposed policy. Lauren noted that she felt it was a good Draft policy. Dore' was satisfied with it as written. Peter said that he had a few questions and it was helpful to have the policies used by other towns to review. Peter said he did not have a problem with putting it out for comments but did want a time end for comments. It was suggested that the date be September 11, 2006. This item will appear on the June 26<sup>th</sup> agenda under Selectmen's business.

Herman Kabakoff – He asked about whether it had been vetted through Town Counsel before it is voted. John noted it had.

Allen Nitschelm as private citizen said that he did not approve of this policy. He said that the Open Meeting Law did not address phone or emails. He urged the Board not to put this in place as he feels it will restrict free speech.

Andy wanted the draft sent to all boards for review with an end time for review. Andy will have his comments and Walter's input before it is sent out.

Allen said that it did not affect the Fin Com. The Board disagreed and the Moderator will be asking them to adopt a policy for E-Mail Use.

Ann Chang disagreed with Mr. Nitschelm that the Fin Com is not required to adhere to the Policy.

**DRAFT "DISTRIBUTION OF MEETING MINUTES POLICY"** – This policy is at the request of Selectman Hunter to ensure that minutes are submitted in a timely manner. Andy thought a unified minute form could be helpful. Lauren said a general template could help first time minute writers. Peter did not want a template he felt it was difficult for committees as styles are different. Andy said that we need more refinement and to bring it back to the Board. This item will appear on the June 26<sup>th</sup> agenda under Selectmen's business.

Allen Nitschelm wanted the Selectmen's executive minutes released. Dore' said that they need to be reviewed before being released. John was asked to draft a structure or recommendation of minutes form.

**DRAFT "COMMERCIAL USE OF TOWN FACILITIES POLICY"** – John said this originated by a number of areas. It is for Commuter Lot use, Skate Park, Veteran's Field signs. It says you need to get a permit. The fee could be anything or nothing. He said they would have to come before the Board of Selectmen and the Board could refuse to grant such license. This formalizes the process, not the end result. Andy suggested we may want to go broader so that it allows for variations. John was asked to take it back and make the changes suggested. John asked if the Board would put out a guideline. This item will appear on the June 26<sup>th</sup> agenda under Selectmen's business.

**LOCAL VIDEO FRANCHISING, MMA ACTION ALERT – PETER ASHTON** - Moved to write the appropriate letters under the chairman's signature, DORE' HUNTER – second, UNANIMOUS VOTE.

**CH.268A (CONFLICT OF INTEREST LAW) DISCLOSURE TO APPOINTING AUTHORITY** – Don Johnson outlined his Conflict of Interest issue and has reviewed it with counsel. This would give him the ability to continue with the negotiations of the Towne School redevelopment. Andy said he has to reclude himself because of his close working proximity to one of the consultants working on the Towne School Project. LAUREN ROSENZWEIG - Move we accept this disclosure and permit Mr. Johnson to maintain his role in negotiations. DORE' HUNTER – second. Selectman Magee Abstaining, Motion Passes.

**SCHOOL STREET PARKING LOT** – The Board reviewed the Preliminary design for 25 spaces and cost estimate that was submitted by Highway for the Commuter "Mud Lot". This Preliminary design would put structured parking at that location. Don felt it was very reasonable for the work; we will use our stockpiles to lower the price. Bruce said that they could start by late July early August depending upon the River Act items that will need to be addressed. Staff was asked to keep a full accounting of materials and labor costs. DORE' HUNTER – Moved to go forward and improve the "mud lot" to the conceptual drawing provided by the Town Engineer using exiting fill. LAUREN ROSENZWEIG – second, UNANIMOUS VOTE.

**REQUEST FOR PARTIAL FEE WAIVER, NARA PARK (CONFIDENTIAL)** - We will bring back at a future meeting.

## **OTHER BUSINESS**

Peter said that our Home Rule Petition passed at Town Meeting for the Senior Tax change allowing the date for payment of real estate taxes would move from the 1st of the Month to the 4<sup>th</sup> of the month. This change is on the agenda for tomorrow at the House. Peter noted that he will not be able to attend. He plans on drafting his comments for Rep. Eldridge to read at this hearing.

Peter gave a report on Health Insurance Trust and noted that we will finish the year with a surplus of \$600,000 to \$700,000 dollars and it will bring us out of the red.

Dore' spoke about the approval of MBTA Budget. The fare increase is unpopular but the system needs the increase.

Dore' gave an update on CAC. The State is in the process this summer of selecting consultants. They have picked seven firms and will be narrowing down to a final consultant.

Lauren reported on the Design Guideline Committee. She has attended a workshop about how to add design guidelines in your towns. The committee is working on coming up with a design review to catch developers early in the process before they have completed their submissions.

MAPC and MAGIC - Lauren has been attending, they are working on water use on the 495 belt. They have a great booklet that explains about water reuse.

Lauren asked about the legislation looking at betterments, Don said they have no results at present.

MAPC – Mixed use Overlay District, Lauren explained the use of this Overlay Zoning.

Andy reported on his meeting at the Executive Office of Transportation for the Bruce Freeman Rail Trail to discuss the ability or lack of ability to move forward to sell the steel from the rails and the ties.

Andy reported he had attended a "No Place For Hate" meeting.

Andy reported on the upcoming CPA Meeting. The Committee will review the update and rewrites. The rewrites will be sent out in the next week or so and will get the final plan out at the August meeting. They plan to have an outreach for people to sign on to.

## **CONSENT AGENDA**

Andy asked that we hold the Board of Selectmen Minutes for discussion of changes.  
DORE' HUNTER – Moved to approve the Consent Agenda excluding the Minutes held by Selectman Magee. PETER ASHTON – second.

Andy asked about the Sullo Dog Hearing Minutes, and the proposal to remove the Dogs from Acton. It was noted that the agreement which addresses all the items agreed upon is in the Signature File for Chairman Signature.

DORE' HUNTER – Moved to approve the minutes of May 22, 2006. PETER ASHTON – second. UNANIMOUS VOTE.

## **TOWN MANAGER'S REPORT**

None

## **EXECUTIVE SESSION**

Lauren Moved to go in to Executive Session to discuss real property and strategy in collective Bargaining. Roll was taken All Ayes.

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Recording Secretary

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Clerk, Board of Selectmen

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Date:

# **AGENDA BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING**

**June 12, 2006**

**Francis Faulkner Hearing Room  
Acton Town Hall  
7:00 P.M.**

## **I CITIZENS' CONCERNS**

## **II SEWER COMMISSIONERS' BUSINESS**

1. **FY07 SEWER O&M RATES** – Enclosed please find materials in the subject regard, for Commissioners' consideration.

## **III PUBLIC HEARINGS & APPOINTMENTS**

- 7:05 **OPERATIONAL MINUTE** – The Town Manager will give the Board a brief update on various topics.
- 7:15 **BOSTON EDISON/VERIZON, POWDER MILL ROAD/OLD HIGH STREET, JOINT POLE AND ANCHOR GUY GRANT OF LOCATION** - Enclosed please find materials in the subject regard, for Board consideration.
- 7:30 **CABLE ADVISORY COMMITTEE** – Enclosed please find materials in the subject regard, for Board consideration.

## **IV SELECTMEN'S BUSINESS**

4. **TJ O'GRADY MEMORIAL SKATEBOARD PARK (Continued from May 22 meeting)** – Enclosed please find materials in the subject regard, for Board consideration.
5. **REVOLVING FUNDS REAUTHORIZATION, MINUTEMAN REGIONAL HIGH SCHOOL** - Enclosed please find materials in the subject regard, for Board consideration.
6. **SNOW AND ICE REMOVAL PROGRAM UPDATE** –Enclosed please find materials in the subject regard, for Board consideration.
7. **ACTON NEIGHBORHOOD NETWORK (ANN) (Continued from May 22 meeting)** – Enclosed please find materials in the subject regard, for Board consideration.
8. **BOARD OF SELECTMEN COMMITTEE ASSIGNMENTS AND GOALS DISCUSSION**– Enclosed please find materials in the subject regard, for Board consideration.
9. **ACTON COMMUNITY HOUSING CORPORATION (ACHC), DESIGNATION AS MONITORING AGENT, ELLSWORTH VILLAGE**– Enclosed please find materials in the subject regard, for Board consideration.

10. **ACTON COMMUNITY HOUSING CORPORATION (ACHC), ANNUAL CERTIFICATION OF SUBSIDIZED HOUSING INVENTORY, FIRST TIME HOME BUYER'S PROGRAM** – Enclosed please find materials in the subject regard, for Board consideration.
11. **LOWELL REGIONAL TRANSIT AUTHORITY** – Enclosed please find a draft letter reappointing Antonio Santoro as Acton's Representative, for Board consideration.
12. **DRAFT "E-MAIL USE POLICY"** - Enclosed please find materials in the subject regard, for Board consideration.
13. **DRAFT "DISTRIBUTION OF MEETING MINUTES POLICY"** - Enclosed please find materials in the subject regard, for Board consideration.
14. **DRAFT "COMMERCIAL USE OF TOWN FACILITIES POLICY"** – Enclosed please find materials in the subject regard, for Board consideration.
15. **LOCAL VIDEO FRANCHISING, MMA ACTION ALERT** – Enclosed please find a material in the subject regard, for Board consideration.
16. **CH.268A (CONFLICT OF INTEREST LAW) DISCLOSURE TO APPOINTING AUTHORITY** – Enclosed please find materials from the Town Manager in the subject regard, for Board consideration.
17. **SCHOOL STREET PARKING LOT** – Enclosed please find materials in the subject regard, for Board consideration.
18. **REQUEST FOR PARTIAL FEE WAIVER, NARA PARK (CONFIDENTIAL)** – Enclosed please find confidential materials in the subject regard, for Board consideration.
19. **OTHER BUSINESS**

## **VI CONSENT AGENDA**

20. **ACCEPT MINUTES** – Enclosed please find Board of Selectmen's Minutes for May 22, 2006, for Board consideration.
21. **ACTON LIONS CLUB ANNUAL TOWN FAIR, LICENSE APPLICATION** – Enclosed please find materials in the subject regard, for Board consideration.
22. **MEMORIAL LIBRARY LONG RANGE PLANNING COMMITTEE** – Enclosed please find a draft letter in the subject regard, for Board consideration.
23. **ONE DAY LIQUOR LICENSE** – Enclosed please find a request from CISCO Systems, for a One Day Liquor License at NARA Park, for Board consideration.
24. **ONE DAY LIQUOR LICENSE** – Enclosed please find a request from The Brookside Group, for a One Day Liquor License at NARA Park, for Board consideration.
25. **ACCEPT GIFT, TJ O'GRADY MEMORIAL SKATEPARK COMMITTEE** - Enclosed please find a gift in the amount of \$5,835.00 from the TJ O'Grady Memorial Skatepark Committee to be used for fence installation at the Skatepark., for Board consideration

26. **ACCEPT GIFT, CITIZENS' LIBRARY AUXILIARY** Enclosed please find a gift in the amount of \$190.00 from the Citizens' Library Auxiliary, to be used for tree planting at the Acton Memorial Library, for Board consideration.
27. **ACCEPT GIFT, ROBYN AND MATHEW HARDING** – Enclosed please find a gift in the amount of \$25.00 from Robyn and Matthew Harding, to be used for the Elm Street Light Project, for Board consideration.
28. **ACCEPT GIFT, DUNKIN DONUTS** – Enclosed please find a gift in the amount of \$1,000.00 from Dunkin Donuts, to be used for the KISS 108 Concert at NARA Park, for Board consideration.
29. **ACCEPT GIFT, ACTON GARDEN CLUB**– Enclosed please find a gift in the amount of \$240.00 from the Acton Garden Club to be used for tree planting on the Common, for Board consideration
30. **ACCEPT GIFT, SIX FLAGS NEW ENGLAND** – Enclosed please find a gift of 2 passes to Six Flags New England (valued at \$99.98), to be used as prizes during the 2006 Special Events at NARA Park, for Board consideration

## **VII TOWN MANAGER'S REPORT**

## **VIII EXECUTIVE SESSION**

**THERE WILL BE A NEED FOR EXECUTIVE SESSION** - Enclosed please find in the subject regard, for Board consideration.

### **ADDITIONAL INFORMATION**

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

### **FUTURE AGENDAS**

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete Agenda.

June 26	Sept. 11 & 25
July 17	Oct. 16 & 30
August 14	Nov. 13 & 27

### **GOALS 2004-2005**

1. Produce Morrison Farm Development Master Plan (Walter)
2. NARA Park
3. Pursue Commercial Tax Base
4. Master Plan review meeting once per year

### **GOALS carried forward**

5. Monitor Labor Negotiations (Peter)
6. Improve Communication with Town Boards (ALL), Improving Inter-Board Communication (Dore')
7. Revisit 2020 planning process for direction to make this process more beneficial towards implementation of long-term vision, and to get a first rough cut of what happens next year before school is out for the summer (Peter)
8. ALG process be used for purpose of Budget Planning for FY05 (Dore'/Peter)
9. Process Planning for "Life after NESWC"
10. Middlesex Pension Alternatives (Walter)